

EBEN S. HANSCOMB.

[To accompany Bill H. R. No. 225.]

MARCH 30, 1860.—Ordered to be printed.

Mr. WINDOM, from the Committee on Public Lands, made the following

REPORT.

The Committee on Public Lands, to whom was referred the memorial of Eben S. Hanscomb, report :

That it is in evidence that one William Getchell settled upon certain public land in Minnesota, then unsurveyed, in the year 1852 ; and immediately after his settlement commenced improving said land by the erection of a dwelling-house, (at a cost of some \$400,) and made other improvements, and moved into the said house with his family, and continued to reside on and improve the said land until the 20th of May, 1856, when he sold his said improvements to *Eben S. Hanscomb*, (who had just removed to the Territory ;) that said Hanscomb, immediately after his purchase, took possession of the farm and moved thereon with his family, and has continued to reside on the same up to the present time, and has made other and valuable improvements thereon ; the whole value of which is supposed now to be in the neighborhood of \$1,500. It further appears, that by the organic law of the 3d of March, 1849, all sections which, after survey, should prove to be numbered 16 and 36 in the then Territory of Minnesota, were to be reserved for school purposes *when that Territory should be admitted into the Union* ; and that the land upon which Mr. Getchell had settled *before* the survey, (and, of course, when in ignorance as to where the government lines would run,) and which he had sold to Hanscomb, proved, *after* the survey, to be a portion of one of the sections numbered 36.

Congress, however, foreseeing that *bona fide* settlers, *before* the survey in Minnesota, might (from the fact of not knowing what would be school lands before they opened their farms) *thus lose all their improvements* through this organic law, should it turn out that they had, in ignorance of where the lines would run, settled upon land which might prove to be either the 16th or 36th section, passed a joint resolution, under date of *March 3, 1857*, (which was before the admission of Minnesota,) protecting all such settlers from the school claim, and directing the school commissioners to select *other lands* in lieu of those

thus settled upon, and allowing such settlers to enter their claims under the pre-emption law of September 4, 1841, &c.

Mr. Hanscomb, although *he is thus protected from the school claim*, yet, cannot make entry of the land under the law of 1841, upon which he has been living ever since 1856, because he was not the *original* settler, having *purchased* the improvements in 1856 from *Getchell*. *Getchell*, had he remained upon the land, would have been entitled to make the entry under the said law of 1841.

There being no other claim to the land, and *Mr. Hanscomb* being a *bona fide* settler, and the proof on file showing him to be the head of a family, (having nine in family, looking to and depending upon him for support,) and that all the means and property which he has or owns is invested in and upon the land which he seeks to *purchase* of the government, your committee do not hesitate to report favorably on his memorial, particularly in view of the fact that a precisely similar case was favorably acted on at the last session of Congress, and a law then passed, authorizing the entry of the party applying for relief—one *Martin Layman*.—(See act, approved January 19, 1859, chap. 12.) *Mr. Layman* is a neighbor of *Mr. Hanscomb's*, residing, it will be seen, in the *adjoining* township. The bill *now* reported authorizing *Hanscomb's* entry, is *precisely similar* to the one passed last session for the relief of *Martin Layman*.